



MINUTES OF A SPECIAL CALLED MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, MAY 29, 2014, 4:30 P.M.

The Planning Commission of the City of Leesburg held a Special Called meeting Thursday, May 29, 2014, in the Commission Chambers at City Hall. Chairman James Argento called the meeting to order at 4:30 p.m. The following Commission members were present:

James Argento
Clell Coleman
Charles Townsend
Ted Bowersox
Donald Lukich
Frazier J. Marshall
Agnes Berry

City staff that was present included Bill Wiley, Community Development Director, Dan Miller, Senior Planner, and Dianne Pacewicz, Administrative Assistant II. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Commissioner Ted Bowersox and the Pledge of Allegiance to the Flag.

Bill Wiley, Community Development Director, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Dianne Pacewicz swore in staff as well as anyone wishing to speak.

MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR APRIL 17, 2014.

Commissioner Donald Lukich moved to APPROVE the minutes from the APRIL 17, 2014 meeting. Commissioner Frazier J. Marshall SECONDED the motion, which was PASSED by a vote of 6 to 0.

(Agnes Berry arrived at 4:33pm)

NEW BUSINESS

1. PUBLIC HEARING CASE # CUP-14-40 – PERFECT PORCH – CONDITIONAL USE PERMIT

REQUEST FOR A CONDITIONAL USE PERMIT IN THE C-3 (HIGHWAY COMMERCIAL) DISTRICT ON APPROXIMATELY 0.4 ACRES PER SECTION 25-292-23 OUTDOOR SALES DISPLAY AND STORAGE, (C) *SITE SPECIFIC REQUIREMENTS*, TO ALLOW FOR SITE MODIFICATIONS FOR AN EXISTING PROPERTY AT 1212 WEST NORTH BLVD LOCATED ON THE NORTH SIDE OF WEST NORTH BOULEVARD, SOUTH OF GLEN RIDGE DRIVE AND MILLER STREET, AS LEGALLY DESCRIBED IN SECTION 23, TOWNSHIP 19, RANGE 24, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. **(FINAL DECISION BY PLANNING COMMISSION).**

Bill Wiley entered the exhibits into the record. Dan Miller presented the overhead exhibits. The exhibit items included the staff summary, departmental review summary, staff recommendations, general location/aerial map, land use and zoning maps, wetlands and flood zone map, site photos, and conceptual site plan.

There were no substantive comments received from the departments. There was one public response received for approval and no responses received for disapproval.

Bill Wiley gave a brief background stating how one of the Land Development Code amendments brought before the board recently was to provide guidelines and regulations for outdoor display sales of merchandise. There was a provision in the ordinance for someone who had special site issues regarding complying with the code. Perfect Porch had unusual issues and it was the Staff's suggestion that they apply for a CUP to get relief regarding site issues.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

1. This request meets the criteria set forth in Section 25-292-23 Outdoor Sales Display and Storage of the City of Leesburg Code of Ordinances for the granting of a conditional use permit to allow permanent outdoor sales display.
2. The conditional use of permanent outdoor sales display for the subject property is compatible with the existing City future land use designation of General Commercial and consistent with the City's adopted Growth Management Plan, Future Land Use Element, Goal 1, Objective 1.6.
3. The proposed Conditional Use is compatible with the existing City zoning of C-3 (Highway Commercial) as well as compatible with the surrounding properties with zoning classifications of City C-3 (Highway Commercial) and does not appear to be detrimental to surrounding properties.

SUBJECT to the following conditions:

1. This conditional use is granted to William M. Moye/Perfect Porch, for permanent outdoor sales display under the City of Leesburg Code of Ordinances and the attached conceptual site plan Exhibit A.
2. The granting of this Conditional Use Permit does not exempt the applicant from other applicable regulations of the City of Leesburg and other governmental agencies.
3. This conditional use is granted to the permittee and may be transferred.
4. Potential violation of any of the conditions of this permit shall be reviewed by staff and discussed with the owner to resolve the issue. Unresolved violations shall be forwarded to the City Code Enforcement Division for appropriate action and may result in the permit becoming null and void for the approved use after a public hearing with notice before the Planning Commission.

Action Requested:

1. Vote to approve the Conditional Use for the subject property to allow permanent outdoor sales display as proposed by staff.

Mr. Wiley stated that regarding the widening of the road, they have a retaining wall along the front of their business. In order to address issues with the retaining wall, the applicant built a deck. The items on the deck are an outdoor type of furniture, which is what they sell, and are permanently attached to the deck. So they are not in a situation where they can move that furniture inside when the store closes. Also, when the site visit was done, there is an area on the southwest part of this site where the deck was extended over the landscaping. The applicant is going to remove the deck and replace the landscaping. In addition, it was also noticed that there were umbrellas permanently attached to the retaining wall on the west side of the building, which were not permitted to be there because they were consider signage per the current regulations. The applicant is going to cut the poles level with to top of the wall, and replace with information signs regarding

parking.

Commissioner Lukich asked if this CUP will allow the outdoor display to stay on the patio. Mr. Wiley replied that it would.

Commission Marshall asked if this was in the guidelines that were discussed a few months ago. Mr. Wiley answered that it does meet the intent that was adopted.

Attorney Morrison stated that in terms of legal justification, this site differs from others because the frontage was reduced considerably from the widening of 441, which left them no room to do anything. Also, their access in the front was blocked by the retaining wall.

Commissioner Townsend said that this area was always kept very nice and that there was never any problem with anyone getting by on the sidewalk.

This was the end of the discussion and the voting then took place.

Commissioner Ted Bowersox made a motion to APPROVE case # CUP-14-40 – PERFECT PORCH – CONDITIONAL USE PERMIT. Commissioner Donald Lukich SECONDED the motion which, PASSED by a unanimous voice vote of 7 to 0.

DISCUSSION ITEM

Staff wishes to thank the Planning Commission for holding a Special Called Meeting to deal with these cases.

ANNOUNCEMENTS

The next scheduled meeting date is June 19, 2014.

The meeting adjourned at 5:05 p.m.

James Argento, Chairperson

Clell Coleman, Vice Chairperson

Dianne Pacewicz, Administrative Assistant II